

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ANIBAL ESTEBAN JAVIER PEREZ,

Plaintiff,

-against-

TOWN OF BEDFORD, TOWN/VILLAGE  
OF MT. KISCO, and GEORGE BUBARIS,  
individually,

Defendants.  
-----X

ECF CASE

07 CIV 4063 (CLB)

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE**, that upon the accompanying Declaration of Lewis R. Silverman, Esq., sworn to on the 11<sup>h</sup> day of September 2007, and the exhibits attached thereto, and the Memorandum of Law in Support of the Defendants' Motion to Dismiss, the defendant, GEORGE BUBARIS, will move this Honorable Court before the Honorable Charles L. Brieant, United States District Judge, in the United States District Court for the Southern District of New York, located at the U.S. Courthouse, 300 Quarropas Street, Room 218, White Plains, New York on a date and time to be decided by this Honorable Court:

- 1) For an Order pursuant to Rule 12(c) of the Federal Rules of Civil Procedure dismissing this action because the Complaint fails to state a claim upon which relief can be granted against the defendant;
- 2) In the alternative, for an Order staying this matter pending the conclusion of criminal action pending in the Westchester County Court;
- 2) For such other and further relief as this Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE**, that the plaintiff's opposition, if any, is to be served at least five days before the return date set by the Court. Oral argument will be held on a date and time to be determined by the Court.

Dated: New York, New York  
September 11, 2007

Respectfully submitted,

**RUTHERFORD & CHRISTIE, LLP**

By: 

Lewis R. Silverman (9723)  
Attorneys for Defendant,  
GEORGE BUBARIS  
300 East 42nd Street, 18<sup>TH</sup> floor  
New York, New York 10017  
(212) 599-5799

TO: LOVETT & GOULD, LLP  
Attorneys for Plaintiff  
222 Bloomingdale Road  
White Plains, New York 10605  
(914) 428-8401  
Attention: Jonathan Lovett, Esq.

MIRANDA, SOKOLOFF, SAMBURSKY,  
SLONE & VERVENIOTIS LLP  
Attorney for Co-Defendant-Town of Bedford  
240 Mineola Boulevard  
The Esposito Building  
Mineola, New York 11501  
(516) 741-7676  
Attention: Steven C. Stern, Esq.

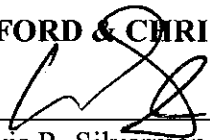
SANTANGELO RANDAZZO & MANGNONE LLP  
Attorney for Co-Defendant Town/Village of Mount Kisco  
151 Broadway  
Hawthorne, New York 10532  
(914) 741-2929  
Attention: James A. Randazzo, Esq.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on September 11, 2007, a copy of the within **NOTICE OF MOTION** was furnished via Regular Mail to LOVETT & GOULD, LLP, 222 Bloomingdale Road, White Plains, New York 10605, Attention: Jonathan Lovett, Esq., MIRANDA, SOKOLOFF, SAMBURSKY, SLONE & VERVENIOTIS LLP, 240 Mineola Boulevard, The Esposito Building, Mineola, New York 11501, Attention: Steven C. Stern, Esq. and SANTANGELO RANDAZZO & MANGNONE LLP, 151 Broadway, Hawthorne, New York 10532, Attention: James A. Randazzo, Esq.

**RUTHERFORD & CHRISTIE, LLP**

By:

  
\_\_\_\_\_  
Lewis R. Silverman (LS 9723)